

House File 441 - Introduced

HOUSE FILE 441

BY OLSON

A BILL FOR

1 An Act providing immunity from alcohol-related offenses for
2 certain persons under the legal age and modifying penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.47, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. *a.* A person under twenty-one years of
4 age shall not be charged or prosecuted under this section if
5 the evidence for the charge was obtained as a result of the
6 person seeking medical assistance for another person due to
7 alcohol consumption.

8 *b.* A person under twenty-one years of age who is in need
9 of medical assistance due to alcohol consumption shall not be
10 charged or prosecuted under this section if the evidence for
11 the charge was obtained as a result of such person or another
12 person seeking medical assistance for such person.

13 *c.* This subsection shall not be grounds for suppression of
14 evidence in other criminal charges except for violations of
15 sections 321.216B, 321.284, and 321.284A.

16 Sec. 2. Section 123.47B, Code 2015, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 1A. If a person under the age of
19 eighteen is discovered consuming or to be in possession of
20 alcoholic liquor, wine, or beer, but the person is immune from
21 prosecution under section 123.47, subsection 9, a peace officer
22 shall make a reasonable effort to identify the person and
23 notify a juvenile court officer of such person's consumption
24 or possession.

25 Sec. 3. Section 321.216B, Code 2015, is amended to read as
26 follows:

27 **321.216B Use of driver's license or nonoperator's**
28 **identification card by underage person to obtain alcohol.**

29 1. A person who is under the age of twenty-one, who alters
30 or displays or has in the person's possession a fictitious
31 or fraudulently altered driver's license or nonoperator's
32 identification card and who uses the license to violate or
33 attempt to violate section 123.47, commits a simple misdemeanor
34 punishable as a scheduled violation under section 805.8A,
35 subsection 4. The court shall forward a copy of the conviction

1 The bill provides immunity from Code section 123.47 for
2 underage persons who seek medical assistance for a person
3 due to alcohol consumption and to underage persons who seek
4 such assistance or for whom such assistance is sought, if the
5 evidence for the charge was obtained as a result of the seeking
6 of medical assistance.

7 Under Code section 232.52, a juvenile court may suspend or
8 revoke the driver's license or operating privilege of a person
9 under the age of 18, for a period of one year, who has violated
10 Code section 123.47. Because the bill provides immunity to
11 persons from Code section 123.47, a person under the age of 18
12 who receives immunity from prosecution under the bill will not
13 face the loss of such person's driver's license for one year.

14 The bill provides that if a person is immune from prosecution
15 from Code section 123.47, the person is also immune from
16 prosecution under Code sections 321.216B (use of driver's
17 license or nonoperator's identification card by underage person
18 to obtain alcohol), 321.284 (open containers in motor vehicles
19 — drivers), and 321.284A (open containers in motor vehicles
20 — passengers).

21 The bill specifies that the immunity provided shall not
22 be grounds to suppress evidence in other criminal charges
23 except for violations of Code sections 321.216B, 321.284, and
24 321.284A.

25 The bill provides that if a person under the age of 18 is
26 discovered consuming or to be in possession of alcohol but
27 receives immunity from prosecution under Code section 123.47,
28 a peace officer shall notify a juvenile court officer of
29 such person's consumption or possession. Under Code section
30 123.47B(2), the juvenile court officer is required to notify
31 the person's custodial parent, legal guardian, or custodian and
32 the superintendent of authority in charge of the school the
33 person attends of the consumption or possession.